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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,312	03/14/2001	Sabine Deligne	YOR20010010US1	3073
35195 7590 04/18/2007 FERENCE & ASSOCIATES LLC 409 BROAD STREET PITTSBURGH, PA 15143			EXAMINER OPSASNICK, MICHAEL N	
			ART UNIT 2626	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/808,312

Applicant(s)

DELIGNE ET AL.

Examiner

Michael N. Opsasnick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 8 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/2007 (11/24/2006) has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As per claim 1, the claimed first/second input medium obtaining a speech signal is not clearly described in the specification as to how this is performed (via the most recent QAS interpretation of the 35 U.S.C. 101 Interim Guidelines:

“If the original disclosure supports only a statutory/hardware system/method with only a brief mention that such hardware system/method can be or may be performed/substituted by

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various combinations of software and hardware without any adequate and enabling disclosure, all claims refer to such inadequately supported options should be rejected under 35USC112, first paragraph.”).

35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-16 overcome 35 U.S.C. 101 because the final result is a speech signal (“to produce a final speech signal”). According to the most recent interpretation of 35 U.S.C. 101,

[4/14/07”Clarification of Interim Guidelines For Examination of Patent Applications for Subject Matter Eligibility”, (Focus on Result, - A practical application in this context can be the result itself; and does not require that steps or additional limitations be added to the claim. As stated in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998):

Today, we hold that the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces “a useful, concrete and tangible result”-- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.

It is the result that should be the focus. If the result has a real world practical application/use, then the test has been satisfied. The claim need not include the uses to which the result is ultimately put, just the result itself. Another example would be an improved method for measuring blood sugar levels in human beings. In this example, the end result is the blood sugar level which is a practical application for diagnostic purposes. Accordingly, reciting the improved method, and the result it achieves---the measurement of the blood sugar level---is all that is necessary for patent-eligibility. The diagnostic steps that occur after the determination of the blood sugar level need not necessarily be present in the claims in order for the claims to be statutory.]

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Claim 17 overcomes 35 U.S.C. 101 because of the functionality established between the claimed “program storage device readable by machine, tangibly embodying a program of instructions” and being “executable by the machine to perform method steps”.

Allowable Subject Matter

6. Claims 8 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 8 and 16, Weinstein et al discloses a first input medium that is adapted to obtain the initial speech signal in an environment where noise corresponding to at least one interfering signal is present. Weinstein et al describes that the first signal detects the speech signal with some noise and the second signal, the interfering signal, consists of noise and some speech signal where the coupling of the signals are due to the unknown acoustic room environment (col. 5, lines 26-29). The Weinstein reference does not disclose or teach that the normalizing arrangement is adapted to apply a compensation term via assessing its expectation value over a plurality of codeword in the codebook.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, 9-12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al (5737485) in view of Wynn (5781883).

As per claims 1, 9, and 17, Flanagan et al (5737485) discloses an apparatus, program, and method for compensating for interference in a speech recognition system comprising of a first input medium which obtain an initial speech signal, a second input medium which obtains at least one interfering signal, wherein said one interfering signal not be statistically independent of said initial speech signal (Flanagan et al (5737485) teaches extracting features from speech, separated from environment noise – col. 3 lines 65), a normalizing arrangement (as compensating for the environmental variations – col. 3 line 65 – col. 4 line 4) which reconciles the initial speech signal and at least one interfering signal with one another to produce a final speech signal and the normalizing arrangement being adapted to account for non-stationary noise in at least one interfering signal (and normalization with the other signals within the microphone array to separate the noise -- col. 5 lines 5-27). Flanagan et al (5737485) also teaches the normalizing

arrangement utilizing a multi-channel codeword dependent cepstral normalization (col. 6 lines 38-48).

Flanagan et al (5737485) does not explicitly teach performing the speech signal comparisons in real time, however, Wynn (5781883) teaches performing speech signal comparisons in real time (col. 3 lines 25-33, Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art of speech signal processing to modify the circuitry of Flanagan et al (5737485) to be performed in real time as taught by Wynn (5781883) because it would advantageously improve the effectiveness of the technique, especially in a telecommunication environment (Wynn (5781883), col. 2 lines 5-15).

As per claims 2&10, the combination of Flanagan et al (5737485) in Wynn (5781883) discloses a first input medium that is adapted to obtain the initial speech signal in an environment where noise corresponding to at least one interfering signal is present and said noise need not be linearly time invariant couple to said initial speech signal. (Flanagan et al (5737485) describes that the first signal detects the speech signal with some noise and the second signal, the interfering signal, consisting of noise and some speech signal where the coupling of the signals are due to the unknown acoustic room environment – col. 4 line 40 – col. 5 line 25).

As per claims 3 & 11, the combination of Flanagan et al (5737485) in Wynn (5781883) discloses that the second medium is adapted to obtain solely that at least one interfering signal. (Flanagan et al (5737485), col. 3 line 60 – col. 4 line 5).

As per claims 4 & 12, the combination of Flanagan et al (5737485) in Wynn (5781883) discloses that the final speech signal is a clean speech signal. Flanagan et al (5737485) discloses that the processor of the invention is responsible for reconstructing the desired speech signal "without the interfering signal" which implies a clean speech signal (Flanagan et al (5737485), fig. 13, the corrected cepstrum coefficients).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Flanagan et al (5737485) in Wynn (5781883) in view of Beierle (5309378).

As per claims 5 & 13, the combination of Flanagan et al (5737485) in Wynn (5781883) discloses an apparatus for compensating for interference in speech recognition system comprising of a first input medium which obtains an initial speech signal, a second input medium which obtains at least one interfering signal, a normalizing arrangement (Flanagan et al (5737485) describes that the first signal detects the speech

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signal with some noise and the second signal, the interfering signal, consisting of noise and some speech signal where the coupling of the signals are due to the unknown acoustic room environment – col. 4 line 40 – col. 5 line 25) which reconciles the initial speech signal and at least one interfering signal with one another to produce a final speech signal and the normalizing arrangement being adapted to account for non-stationary noise in at least one interfering signal.

The combination of Flanagan et al (5737485) in Wynn (5781883) does not disclose a normalizing arrangement adapted to estimate at least one characteristic from the reference signals given at least one characteristic of the initial speech signal. However, Beierle (5309378) teaches a signal conditioning device that amplifies, samples and digitizes the signal characteristics of the reference (interfering signal) as well as the speech signal [*Beierle describes that the primary and reference signal are coupled and that the adaptive canceller reduces the reference noise signals from the primary signal in order to increase the signal to noise ratio of the primary signal*] (Fig. 1(30); Col. 5, Line 38 - 50). The extraction of signal characteristics of the reference and signal is beneficial to some signal enhancement algorithms that perform continuous real-time noise cancellation. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the combination of Flanagan et al (5737485) in Wynn (5781883) by the utilization of characteristics of both the reference and signal as taught by Beierle (5309378) since it is would have been beneficial for noise cancellation in speech signals (col. 5 lines 30-37).

12. Claims 6 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Flanagan et al (5737485) in Wynn (5781883) and Beierle (5309378) as applied to claims 5 & 13, above, and further in view of Sonmez et al. (U.S. Patent 5745872).

As per claims 6 & 14, the modified Flanagan et al (5737485) discloses an apparatus/method for compensating for interference in speech recognition system. In addition, a signal-conditioning device is also presented that processes the signal characteristics. Also, the modified Flanagan et al (5737485) addresses the issue of removing noise from the desired signal (Beierle, Col 5, Lines 30 - 35). However, the modified Flanagan et al (5737485) does not disclose that the normalizing arrangement is adapted to refer to a single codebook in estimating the signal at least one characteristic. However, Sonmez et al. teach the use of single codebook referring to a signal characteristic for use in a normalizing arrangement (Title, Fig. 1, Col 4, 27 - 40; Col 3, Line 25 - 45) [*Sonmez describes codebook(s) for at least one signal characteristic*]. Codebook vectors are used as a means of classifying speech features such as the spectra information. The classification of both static and dynamic features in a noisy environment is an asset in boosting speech recognition performance. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the modified Weinstein et al. by the utilization of single codebook to refer to at least in estimating at least one characteristic of the reference signal as taught by Sonmez since it is would have been beneficial to the normalizing arrangement resulting in improved speech recognition (Sonmez, col. 2 lines 30-35).

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13. Claims 7 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Flanagan et al (5737485) in Wynn (5781883), Beierle (5309378) and Sonmez et al. (U.S. Patent 5745872) as applied to claims 5 & 13 above, and further in view of Ammar et al. (Seventh National Radio Science Conference).

As per claims 7 & 15, the modified Flanagan et al (5737485) disclose an apparatus/method for compensating for interference in speech recognition system. In addition, a signal-conditioning device is also presented that processes the signal characteristics. The modified Flanagan et al (5737485) also disclose that the normalizing arrangement is adapted to refer to a codebook in estimating the signal characteristics. However, the modified Flanagan et al (5737485) do not disclose that the normalizing arrange applies a compensation term to the initial speech. However, Ammar et al. disclose the use of a compensation term [*as claimed*] to enhance the initial speech (Fig. 1). Many algorithms in speech enhancement use a compensation term on the initial speech as a means of adaptively suppressing the interference signals. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the modified Flanagan et al (5737485) by the use of a compensation term on the initial speech as taught by Ammar et al. since it is enhanced the initial speech resulting in improved speech recognition (summary).

Response to Arguments

14. Applicant's arguments filed 11/24/2006 have been fully considered but they are not persuasive. Examiner notes the further recitation to Flanagan to address the cepstral dependent normalization claim limitations. Examiner also notes the Juang et al reference (5590242) performing bias removal in speech telephone channels

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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primary examiner

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